

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
The Future of Media and Information
Needs of Communities in a Digital Age

GN Docket No. 10-25]

Comments of

I. Introduction

ACCESS SACRAMENTO files these comments in support of the Comments of the Alliance for Community Media and the National Association of Telecommunications Officers and Advisors and to congratulate the Federal Communications Commission for recognizing that Public, Educational and Governmental channels must be part of any discussion on the future of media and information needs of communities in a digital age. Access Sacramento is a 501c3 nonprofit corporation managing two public access cable channels (17 & 18) serving 250,000 Sacramento County households on three cable systems (Comcast, Surewest, and AT&T). We also train and facilitate community radio The Voice of Sacramento. The channels and our community radio can be seen and heard streaming on our web site www.AccessSacramento.org. We are currently constructing a new open source web site (AccessLocal.tv) empowering our members with individual or organizational blogs and permitting remote posting of any digital content to their blog including video and audio files. We train an average of 1,500 local residents per year in video and audio production and use of the Internet.

PEG channels fill unique community needs such as technology training to underserved populations, distribution of local news and entertainment welcoming ten other languages in addition to English, organization of a unique local film festival (Place Called Sacramento) now celebrating its eleventh year, and the annual production or facilitation of more than 9,000 hours of unique local programming. Unless the Commission actively encourages development of public access, there is no guarantee that public access will remain in our future. In these comments we will answer the specific questions posed in Question 27 of the Public Notice regarding PEG. These comments contain two sections. First, we will share a common message that we, as members of the Alliance for Community Media, feel is imperative to call to the Commission's attention. Next, we will offer insights specific to our community to support our answers to Question 27.

II. Summary of Challenges

PEG is currently facing significant challenges that include but are not limited to:

Operators abusing state franchise legislation to limit or sunset traditional sources of PEG support, resulting in PEG centers closing across the nation;

Operators employing state franchise laws to limit or sunset the availability of PEG channels, resulting in community voices being silenced;

Operators refusing to treat PEG channels in the same way they treat local broadcast channels, resulting in the loss of audience and shared community communications. Among the practices that have made it more difficult for consumers to find and view PEG channels are: operators that move channels them to less desirable channel locations, operators that require consumers to obtain additional equipment to view PEG channels, or operators that aggregate PEG channels on a technically deficient video stream, which lacks the functionality of commercial channels; and

The Commissions delay in addressing a number of PEG community petitions for declaratory rulings to restrict the above complained of industry practices.

The Commission must understand that its inaction as much as the abusive actions of others is jeopardizing the future of community programming. The Commission was once the champion of community programming, and we hope that this docket signals the Commissions return to that role.

III. Responses to Specific PEG Questions Posed by the Commission:

Access Sacramento offers the following answers to the specific questions outlined in the FCCs Public Notice.

A. PEG channels are being used to effectively provide useful news and information to our community, but are threatened by industry practices and naïve state franchising legislation.

PEG channels are being used effectively in our community. For example, we produce annually more than 70, multiple camera, sporting events and community celebrations. Local leaders use our channels for speaking to their constituents. Teachers conduct distance learning classes to home bound students. Arts and entertainment and local bands enjoy a new venue for their art. Because our PEG channels are programmed by local individuals and organizations, Access Sacramento answers - yes- to the FCC question - are PEG channels being used as effectively as possible for the provision of useful news and information to communities.

Access Sacramento appreciates that programming could always be more effective if more of the population involves itself in the programming decisions. More efforts could be made in this regard if programmers were assured funding and our channels were not subject to industry efforts to marginalize our programming, for example by moving our channels around, requiring consumers to purchase/lease equipment to see our channels, or aggregating and streaming our channels with limited functionality. For example, the placement of our community channels on the AT&T U-Verse system is so egregious, local government joined with the City of Los Angeles and is suing AT&T for violation of the DIVCA State Franchise Legislation AT&T lobbied into law in 2007. The placement of

our channels on a channel 99 pull down menu requiring a frustrating process to simply change the channel, is AT&T's idea of customer convenience at the expense of less local programming.

B. PEG channels have evolved over time to retain their effectiveness and must continue to evolve to ensure effectiveness in the digital future

In response to the Commission's inquiry as to how has the role of PEG channels changed over time, and how could their effectiveness be improved? Access Sacramento offers the following:

PEG channels and PEG operators have evolved to adapt to meet the needs and interests of the local community. In our case our programming has expanded to include 125 weekly series, averaging 14 hours of original programming per day, streamed on our web site www.AccessSacramento.org, and reflective of our diverse community with 25% of the programs in languages other than English.

It is not just our programming that has changed, our very operations have changed. Access Sacramento is constructing a state-of-the-art web site AccessLocal.tv using the open source WordPress platform. Once completed (later this year) it will permit on-demand Internet viewing of select programming, individual blogs for each of our members, and the remote scheduling and delivery of video programs to our cable channels. Organized by training local residents to utilize new technologies to post hyper-local news stories to a central web site, the project is called Neighborhood News Bureaus. The NNB project was just rated in the top 7% of all 2,400 applications received by the Knight Foundation News Challenge.

The bottom line on all these changes is that our PEG programming and PEG operations have evolved to ensure that they remain relevant in the life of our community.

C. Operators have employed statewide franchising regimes to negatively impact the number, composition and funding of PEG channels.

Laws imposing statewide franchising regimes have been devastating to PEG channels and PEG Centers. Some state franchising laws limit PEG channels to the maintenance of current channels regardless of future community needs or technological advancements. The worst state franchising laws sunset or outright eliminate PEG channels and PEG funding support.

In those states that preserve the number of PEG channels, the funding for PEG operations has typically been cut dramatically. And where PEG funding is available, the options that local franchising provided to use funds for operations by mutual consent no longer exists in light of the definitions outlined in the Commission's Section 621 order.

In our state of California, Public Access cable television has disappeared in the cities of Los Angeles, San Francisco, and many other smaller communities. At a time of continued commercial media

ownership consolidation and fewer options available for minority voices and points of view, the philosophy of training and distribution to large audiences should be increasing not diminishing. YouTube Internet delivered videos do not replace the low cost training, equipment and program distribution provided by Public Access. These millions of lower income households are reflective of our growing ethnic and cultural diversity. Public Access media unites our voices and provides critical context and relevancy to their lives.

D. Operators have frustrated the intent of state franchising regimes in that they have not provided robust consumer choice, but have dramatically undermined PEG channels and PEG operations. The rationale for state franchising was ostensibly to promote the greater competition and lower consumer prices. But this experiment has largely failed, and PEG programming and PEG operations have suffered greatly as a result of this failed experiment. This should not be a surprise. Because state franchises are standardized and not negotiated to meet community needs, the states have imposed a one size fit all program. The result is that many communities have no real opportunity to have their PEG needs met. Additionally, the strength of the Cable Act was that it was flexible in permitting communities to demand more as their needs increased. The inflexible approach taken by state franchising laws is antithetical to the notion in the Cable Act (and implicit in this proceeding on the future of media) that community needs change over time.

The California Digital Infrastructure Video Competition Act (DIVCA) was pushed through our legislature in 2007 by promising to lower cable rates by adding competition from telephone companies AT&T and Verizon. However, rates have gone up, regulation to benefit the consumer has been delegated to an overworked Public Utilities Commission, and local franchising authorities are confused and powerless in interpreting the DIVCA guidelines without resorting to expensive litigation. This legislation was bullied through California and 23 other states thanks to serious lobbying efforts from the Telcos and the Cable industries. We appreciate FCC scrutiny of this legislative fiasco.

E. The digital age will offers opportunities to supplement PEG channels; however these digital advances cannot supplant the need for PEG channels.

Some argue that YouTube, the establishment of personal and public web pages and social websites, render traditional mass media unnecessary. These arguments are most often made by industry and their champions as a justification for escaping public obligations, and are a misrepresentation of the media landscape. It is interesting to note that while making these arguments, commercial interests are not abandoning the television platforms for the Internet. Commercial providers recognize that in an information economy, the ability to distribute by multiple means is the only way to serve the interests of your audience. What should community providers be denied their ability to continue to reach their audience in a format of the viewers choosing?

New delivery platforms do not render traditional platforms obsolete. They allow consumers to choose the means by which they receive information and to allow each individual consumer to make different choices at different times. The model is not displacement but information everywhere. Should a content provider or speaker be limited to one platform be it the Internet, or mobile applications, or

traditional broadcast channels a significant portion of the audience will not be reached. Today, the most effective and perhaps only means to the poor and non-English speaking audiences, communities that rely heavily on public, educational and government programming is by means of the television. The same is true of public participation in PEG programming. If the only way to speak is via the Internet, groups who wish to reach a mass audience on an issue of local public importance may not be able to communicate effectively. But the Commission is already well aware of this challenge following its hearings on localism.

Finally, community programming relies not only on programming outlets, but on programming centers. Even in the digital age there continues to be a strong need for public places where consumers can both receive and create appropriate local information that can be easily found. PEG operations ensure that there is a well-funded public space that consumers can easily reach across all media. Access Sacramento, now celebrating our 25th year in Sacramento County "Giving voice to the thoughts, dreams, opinions, and community events not otherwise seen or heard..." is expanding our services to include new ways of utilizing web site technologies to feed our cable channels with new digital projects. Termed the Neighborhood News Bureau Project, we have secured much community support from our diverse neighborhoods of South Sacramento County. Here are three examples:

In her letter of support, City Councilperson Bonnie Pannell expressed the feelings of many in South Sacramento County as follows: "Image is everything..... If we do not define our communities, someone else will and often, not in our favor.... Access Sacramento has a long history... providing community access programs, free of charge, to residents from all walks of life to develop skills, tell their stories, and thereby empowering them and the communities they serve."

Supervisor Jimmy Yee expressed his support of the project designed "to give voice" to his constituents in District 2 by stating: "Since the investigators and reporters will also be residents of the same community, tolerance and unity within the community will hopefully be encouraged."

And from Dr. Deborah Travis, President of Cosumnes River College, "This area (South Sacramento County) is challenged at its most fundamental levels. Households are struggling to master English language skills and many live below the poverty line. In an age when information via the Internet is so critical for residents to fully participate in the democratic process, many in this area are caught in the technology gap, and struggle to gain training and resources to fully engage the existing resources that might help them."

Therefore, the Commission must not accept the claims that alternative platforms reduce the need for PEG channels and PEG support. They are based on a misrepresentation of the nature of media. For while advances introduced by the digital age can offer additional platforms for sharing PEG

programming, these additional platforms will never replace PEG channels so long as the television is the primary source of video communications in this nation.

IV. Conclusion

Public Educational and Governmental channels must not only be part of any discussion on the future of media and information needs of communities in a digital age, PEG must be a part of the digital age. The Commission must understand that that unless it actively encourages development of public access as it did in the 1970s, there is no guarantee that public access will remain in our future. And that would be a grave loss for communities around the country.

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